

House File 637 - Introduced

HOUSE FILE 637

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 558)

(SUCCESSOR TO HSB 119)

A BILL FOR

1 An Act relating to state government operations concerning
2 background checks and investigations of employees of the
3 office of the chief information officer and the credit union
4 division and eliminating the technology advisory council.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

2 OFFICE OF THE CHIEF INFORMATION OFFICER

3 Section 1. Section 8B.1, subsection 13, Code 2017, is
4 amended by striking the subsection.

5 Sec. 2. NEW SECTION. **8B.4A Background checks.**

6 An applicant for employment with the office, or an applicant
7 for employment with a participating agency for a position as
8 information technology staff, may be subject to a background
9 investigation by the office. The background investigation may
10 include, without limitation, a work history, financial review,
11 request for criminal history data, and national criminal
12 history check through the federal bureau of investigation.
13 In addition, a contractor, vendor, employee, or any other
14 individual performing work for the office, or an individual on
15 the information technology staff of a participating agency,
16 may be subject to a national criminal history check through
17 the federal bureau of investigation at least once every ten
18 years, including, without limitation, any time the office or
19 participating agency has reason to believe an individual has
20 been convicted of a crime. The office may request the national
21 criminal history check and shall provide the individual's
22 fingerprints to the department of public safety for submission
23 through the state criminal history repository to the federal
24 bureau of investigation. The individual shall authorize
25 release of the results of the national criminal history
26 check to the office and the applicable participating agency.
27 The office shall pay the actual cost of the fingerprinting
28 and national criminal history check, if any, unless
29 otherwise agreed as part of a contract between the office or
30 participating agency and a vendor or contractor performing
31 work for the office or participating agency. The results of a
32 criminal history check conducted pursuant to this section shall
33 not be considered a public record under chapter 22.

34 Sec. 3. Section 8B.33, subsection 1, Code 2017, is amended
35 to read as follows:

1 1. An IowAccess revolving fund is created in the state
2 treasury. The revolving fund shall be administered by the
3 office and shall consist of moneys collected by the office as
4 fees, moneys appropriated by the general assembly, and any
5 other moneys obtained or accepted by the office for deposit in
6 the revolving fund. The proceeds of the revolving fund are
7 appropriated to and shall be used by the office to maintain,
8 develop, operate, and expand IowAccess consistent with this
9 chapter, ~~and for the support of activities of the technology~~
10 ~~advisory council pursuant to section 8B.8.~~

11 Sec. 4. REPEAL. Section 8B.8, Code 2017, is repealed.

12 DIVISION II

13 CREDIT UNION DIVISION

14 Sec. 5. Section 533.106, subsection 6, Code 2017, is amended
15 to read as follows:

16 6. The superintendent or an employee of the credit union
17 division who is convicted, or an applicant for employment
18 with the credit union division who has been convicted, of
19 theft, burglary, robbery, larceny, embezzlement, or other
20 crime involving breach of trust, or a crime involving moral
21 turpitude, shall be forever disqualified from holding any
22 position in the credit union division.

23 Sec. 6. NEW SECTION. 533.106A **Background investigations.**

24 1. The credit union division may conduct a background
25 investigation on an applicant for employment with the division.
26 The division shall inform an applicant that the position
27 requires a background investigation and shall obtain the
28 applicant's written authorization prior to conducting the
29 investigation.

30 2. The background investigation may include, without
31 limitation, a review of at least the following subjects:

32 a. Work history and educational credentials.

33 b. Financial review.

34 c. Criminal history data, including a national criminal
35 history check through the federal bureau of investigation.

1 10 years or at any time the office or participating agency
2 has reason to believe an individual has been convicted of a
3 crime. If conducted, the bill directs the office to provide
4 fingerprints to the department of public safety for submission
5 through the state criminal history repository to the FBI, and
6 requires individuals to authorize release of the results to the
7 office and the applicable participating agency. The office is
8 required to pay the actual costs of the fingerprinting and the
9 criminal history check unless otherwise agreed by contract.
10 The bill provides that the results of a criminal history check
11 are not considered a public record under Code chapter 22 (open
12 records).

13 Code section 8B.8, providing for a technology advisory
14 council, is repealed by the bill.

15 DIVISION II — CREDIT UNION DIVISION. This division relates
16 to employees and applicants for employment with the credit
17 union division of the department of commerce.

18 Code section 533.106, concerning employees, is amended to
19 provide that the provision disqualifying the superintendent
20 or employee of the credit union division from holding any
21 position with the credit union division for a conviction of
22 certain crimes applies also to an applicant for employment
23 with the division. The Code section is further amended to
24 provide that a crime involving moral turpitude is also a crime
25 that disqualifies a person from holding any position with the
26 division.

27 New Code section 533.106A provides for an optional
28 background investigation for an applicant for employment with
29 the credit union division which may include work history and
30 educational credentials review, financial review, a request
31 for criminal history data, and a national criminal history
32 check through the federal bureau of investigation (FBI). In
33 addition, the bill provides that an employee of the credit
34 union division may be subject to a national criminal history
35 check through the FBI at least once every five years or at

1 any time the division has reason to believe an individual has
2 been arrested, charged, or indicted for a crime that would
3 disqualify the person for employment. If conducted, the bill
4 directs the division to provide fingerprints to the department
5 of public safety for submission through the state criminal
6 history repository to the FBI. The division is required to pay
7 the actual costs of the fingerprinting and the criminal history
8 check. The bill provides that the results of a background
9 investigation are not considered a public record under Code
10 chapter 22 (open records).